

1 **WASHINGTON COUNTY, WISCONSIN**

2
3 Date of enactment: **10/27/09**
4 Date of publication: _____

5 **VOTE**

6 **2009 RESOLUTION 44**

7
8 **Resolution Authorizing the Purchase of Fair Park Buildings**
9 **And Other Fixed Assets**

10
11 **WHEREAS**, 2009 Resolution 29 expressed the County Board's desire to keep Fair Park
12 open as a public year-round facility and to exercise more authority and control over the Fair Park
13 buildings and property; and

14
15 **WHEREAS**, 2009 Resolution 29 outlined several directives including charging the
16 Finance Committee with the development of a financial plan which protects the County's interest
17 while allowing Fair Park to operate through year 2010 and addressing the financial issues of the
18 capital improvements at Fair Park; and

19
20 **WHEREAS**, the Finance Committee has determined it is in the best interest of the Coun-
21 ty to negotiate the acquisition of all buildings and other fixed assets located at the Washington
22 County Fair Park with the Agricultural and Industrial Society ("Society") in order for the County
23 to accomplish its goals of control of the Fair Park buildings and property and clarity with respect
24 to the County's relationship with the Society; and

25
26 **WHEREAS**, an inventory of the buildings and assets to be purchased by the County
27 from the Society has been prepared and is attached hereto and incorporated herein as Exhibit
28 "A"; and

29
30 **WHEREAS**, the Society and the County have cooperatively identified the buildings and
31 assets to be purchased; however, the Society has disclosed outstanding debts, disputes and claims
32 with regard to the items to be purchased, all of which the Society continues to negotiate resolu-
33 tions thereto; and

34
35 **WHEREAS**, the Finance Committee recommends offering the Society a gross amount
36 not to exceed \$756,000 for the purchase of the buildings and other fixed assets with the net not to
37 exceed amount of \$688,000, which requires the Society to continue with its negotiations and set-
38 tlement efforts relating to the outstanding debts, disputes and claims in order to eventually
39 achieve the net not to exceed purchase price of \$688,000; and

40
41 **WHEREAS**, the Finance Committee recommends funding the acquisition with available
42 sales tax funds by amending the capital improvement plan ("CIP") as follows:

- 43
44 1. Reduce the funding for the Sheriff's Department Radio Project by \$408,000
45 2. Reassign the remaining 2009 funds from the previously removed Schmidt Road
46 project, making available \$280,000

1 3. Authorization to commence 2010 CIP North (of Jail) Parking Lot project, Sheriff's
2 Evidence Storage project, and Asphalt Repairs at Fair Park will not be given until such
3 time as the Sheriff's Radio Project has been completed and a determination made that
4 the funds referred to in #1 above are not needed by the Sheriff's Radio Project:
5

6 **WHEREAS**, in order to achieve the net effect of not to exceed \$688,000, the Society will
7 be requested to execute an agreement which will obligate the Society to pay to the County within
8 no more than five years, at a minimum, the difference between the gross amount and the net
9 amount referred to herein from funds it receives as a result of settlement of disputed claims relat-
10 ing to the buildings and assets;
11

12 **NOW, THEREFORE, BE IT RESOLVED** that the Board hereby adopts the recom-
13 mendations of the Finance Committee to acquire by purchase all buildings and other fixed assets
14 at the Washington County Fair Park as described on Exhibit "A" attached hereto and incorpo-
15 rated herein using sales tax as the funding source at a net cost not to exceed \$688,000, subject to
16 the buildings and other fixed assets being free and clear of all liens, encumbrances, judgments,
17 lis pendens or other legal obligations and the execution of the agreement described herein.
18

19 **BE IT FURTHER RESOLVED** that the County Attorney is directed to prepare an ap-
20 propriate Offer to Purchase, secure title report(s) and take all necessary steps to prepare for pur-
21 chasing the buildings and other fixed assets.
22

23 **BE IT FURTHER RESOLVED** that the County Attorney is directed to prepare for re-
24 view and approval by the Finance Committee an appropriate agreement between the Society and
25 the County which obligates, as a part of this transaction, the Society to pay to the County within
26 no more than five years the difference between the gross amount and the net amount referred to
27 herein from any and all funds it receives as a result of settlement of disputed claims relating to
28 the buildings and assets.
29

30 **BE IT FURTHER RESOLVED** that the Board urges the Society to continue in its ne-
31 gotiations and settlement efforts with regard to the outstanding debts and disputes and to contin-
32 ue in its fundraising efforts in order to meet its obligations set forth in the agreement with the
33 County.
34

35 **BE IT FURTHER RESOLVED** that the parties shall endeavor to close on this real es-
36 tate transaction not later than December 31, 2009.
37
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40 VOTE REQUIREMENT FOR PASSAGE: 2/3 of the members elect
41

42 RESOLUTION SUMMARY: Resolution authorizing the purchase of buildings and other fixed
43 assets at Washington County Fair Park.
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1 APPROVED:
2 **(signed by Kimberly A. Nass)**
3 Kimberly A. Nass, County Attorney
4 Dated **10/28/09**
5 Considered **10/27/09**
6 Adopted **10/27/09**
7 Ayes **21** Noes **6** Absent **3**
8 Voice Vote _____

Introduced by members of the FINANCE
COMMITTEE as filed with the County Clerk.

(signed by Ralph R. Hensel)
Ralph R. Hensel, Chairperson

9
10 (This resolution provides authorization and a financing plan to purchase the buildings at Wash-
11 ington County Fair Park. The gross cost is \$756,000. The net amount is not to exceed \$688,000.
12 The gross amount includes an advance to AIS of \$68,000 which will be due to the county within
13 five years and secured by a credit agreement.)